

1 Kirk D. Miller
2 *Kirk D. Miller, P.S.*
3 421 W. Riverside Avenue
Suite 704
4 Spokane, WA 99201
(509) 413-1494 Telephone
(509) 413-1724 Facsimile
kmiller@millerlawspokane.com

6
7 IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

8 KELLI GRAY, and all others similarly)
situated,)

Case No.: 2:09-CV-00251-EFS

9 Plaintiffs,)

JOINT STATUS CERTIFICATE

10 v.)

11 SUTTELL & ASSOCIATES, et al.,)

12 Defendants.)

13 EVA LAUBER, et al.,)

14 Plaintiffs,)

15 v.)

16 ENCORE CAPITAL GROUP, INC., et)
al.,)

17 Defendants.)

18 ///

19 ///

20 JOINT STATUS CERTIFICATE - 1
21

1 Pursuant to the Court's Order dated October 1, 2014, (ECF No. 464) the
2 parties, through their attorneys, conferred via email on December 3rd, 2014. The
3 parties have agreed to the following: Kirk D. Miller of Kirk D. Miller, P.S.
4 represents the Plaintiffs; Carl Hueber of Winston and Cashatt and Bradley Fisher
5 of Davis Wright Tremaine LLP represent Defendants Suttell & Associates, Suttell
6 & Hammer, P.S., Mark T. Case, Karen Hammer and Isaac Hammer, Malisa L.
7 Gurule ,and William Suttell (hereafter collectively the "Suttell Defendants"); John
8 Munding of Crumb and Munding, and Theodore Seitz of Dykema represent
9 Defendant Midland Funding, LLC, Midland Credit Management, Inc., and Encore
10 Capital Group (hereafter collectively the "Midland Defendants").

11 1) The remaining claims in the case are those set forth in Plaintiffs'
12 Amended Complaint Relating to Attorney's Fees, Statute of
13 Limitations, and Licensing [Dkt No. 297] less the claims dismissed by
14 the Court in the Order Ruling on Pending Motions [Dkt No. 416].
15 Plaintiffs allege that the defendants violated various provisions of the
16 FDCPA and the Washington Consumer Protection Act. Defendants
17 deny that they have violated any laws. Plaintiff intends to move for
18 leave to amend the complaint to include an additional allegation that
19 the Suttell defendants violated the FDCPA by systematically
20 positioning and attaching unauthenticated documents behind the

1 affidavits of Midland Credit Management (MCM) employees,
2 deceptively causing the documents to appear as though they were
3 attached and authenticated by the MCM employee who signed the
4 affidavit. The Suttell defendants will oppose any further amendment
5 to the pleadings.

6 2) The parties propose a trial date in or after November 2015.

7 3) The parties anticipate a four-day trial.

8 4) Additional discovery will be required and the parties propose a
9 discovery cutoff in July 2015. The Suttell Defendants and Midland
10 Defendants request that any additional discovery at this late date be
11 strictly limited to discovery directed to any remaining issues related to
12 the claims described in (1) above. Plaintiffs requests that the Court
13 permit discovery related to class certification of the issues described
14 in (1) above.

15 5) All parties intend to move for summary judgment on one or more
16 issues. The Suttell Defendants intend to move for summary judgment
17 on the sole remaining claim by Ms. Gray that they violated the law by
18 filing suit outside of the applicable limitations period, and will oppose
19 their inclusion in any class-wide claims. The Midland Defendants
20 intend to file a summary judgment motion on the remaining issues (as

set forth in (1)). The plaintiffs intend to move the Court for certification of a class and summary judgment on all remaining issues.

6) The parties participated in a mediation with Judge Hogan (Ret.) in Portland, Oregon on November 12, 2014, but were unsuccessful in resolving the case. The parties anticipate a settlement conference may be requested following the Court's rulings on the anticipated dispositive motions.

7) At this time the parties do not anticipate any need for modification of the standard pretrial procedures. However, bifurcation on the issues of liability and damages may be requested.

CM/ECF CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of December, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Kirk D. Miller kmiller@millerlawspokane.com;

Carl Hueber ceh@winstoncashatt.com, crh@winstoncashatt.com;

John D. Munding munding@crumb-munding.com; Ashley@crumb-munding.com;

Theodore Seitz tseitz@dykema.com;

Bradley Fisher bradfischer@dwt.com;

Kirk D. Miller, P.S.

s/Kirk D. Miller
Kirk D. Miller, WSBA #40025
Attorney for Plaintiffs